

#### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

New claims 30-33 highlight patentable features of this invention. Support for the new claims exists at least at page 10, second paragraph, the paragraph bridging pages 11 and 12, and page 14, lines 23-31 of the present specification.

The specification has been amended in light of page 2 through page 4, first two paragraphs, of the office action.

Claims 25-28 were rejected under 35 USC 102(e) as anticipated by Vayanos et al. (US 2005/0022098). To the extent these rejections may be applied to the new claims presented herein, the Applicants respectfully traverse based on the points set forth below.

The present claims relate to a reserved HARQ process, as defined at application page 10, second paragraph of the present application. A reserved HARQ process is limited in use to enable sending of high priority data without having to wait for a completion of outstanding transmissions including flushing the soft buffer of the UE of HARQ processes. The concept of the present invention is to identify the reserved HARQ process in accordance with at least one resource allocation parameter and to restrict the

use of the reserved HARQ process to a data flow having a separate data flow identifier or a logical channel identifier as the resource allocation parameter. The use of the reserved HARQ process provides an advantage of enabling selection of the HARQ channel over which the data flow shall be transmitted. Thus, the transmitter is able to schedule processes in accordance with a selected priority and make efficient use of the available resources. As a result, soft buffer capabilities, which need to be provided at the receiver, may be reduced significantly and the processing speed of the scheduling algorithm is increased. See application page 14, last paragraph.

The Applicants respectfully submit that the subject matter and advantages of the present claimed invention are not anticipated (or rendered obvious) by Vayanos, and thus, the 35 USC 102 rejection is deemed to be overcome.

The office action cites paragraphs [0058], [0066], [0083] and [00106] of Vayanos as teaching reserving at least one HARQ process of a plurality of predefined parallel HARQ processes and restricting use of the reserved HARQ process for one of a separate data flow identifier and a logical channel identifier, with the reserved HARQ process carrying signaling such as higher layer signaling.

However, the present claims recite reserving the at least one HARQ process in accordance with at least one resource allocation parameter and restricting employment of the at least one reserved HARQ process for a data flow having a separate data flow identifier or a logical channel identifier as the resource allocation parameter.

It is submitted that Vayanos fails to teach or suggest the above-noted subject matter of the new claims.

The cited paragraphs [0058], [0066], [0083] and [00106] of Vayanos merely generally relate to HARQ processes in a packet transmission system and correspond to the admitted prior art described at page 6 of the present application. The teachings of Vayanos are confined to the generally known use of TSNs in relation to a reordering process at the receiver's buffer in order to recover packets in proper sequence. Specifically, none of the processes in Vayanos is described as being reserved for special use to allow high priority signaling in accordance with a resource allocation parameter to provide a reserved HARQ process of restricted and limited use for specific data flows of high priority or small transport format, while other "non-specific" HARQ processes maintain full functionality and flexibility.

As a result of at least the above-noted differences from Vayanos with respect to structural configuration method steps and

advantages flowing therefrom, it is submitted that Vayanos, fails to anticipate or render obvious the subject matter of present claims 30-33.

Accordingly, in light of the foregoing, it is submitted that all pending claims are directed to allowable subject matter, and a notice of allowance is respectfully requested.

If any issues remain which may best be resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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James E. Ledbetter  
Registration No. 28,732

JEL/att

ATTORNEY DOCKET NO. L7725.05102

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, NW, Suite 850  
P.O. Box 34387  
Washington, DC 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200